(*2*) In sub-section (*2*) of the same section,—

(*a*) after the word "Every" there shall be inserted the following, *viz.* :—

"tax imposed or"; and

(*b*) after the words "rate assessed", there shall be inserted the following, *viz.* :—

"or amount recoverable".

New section added.

9. After section 26 of the said Act there shall be inserted the following new section, *viz.* :—

[Vol. III of this Code, p. 1346.]

Amendment of section 42.

10. In sub-section (*1*) of section 42 of the said Act, after the words "singing of songs," there shall be inserted the following, *viz.* :—

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Amendment of section 48.

11. In clause (*a*) of sub-section (*1*) of section 48 of the said Act, after the words "conduct of," there shall be inserted the following, *viz.* :—

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BOMBAY ACT No. IV OF 1898.

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BOMBAY ACT No. IV OF 1898[1].

[*30th August, 1898.*]

An Act for the improvement of the City of Bombay and to provide space for its future expansion.

WHEREAS it is expedient to make provision for the improvement and for

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1898, Pt. V, p. 53 ; for Report of Select Committee, *see ibid*, p. 53, and for proceedings in Council, *see ibid*, pp. 157, 232, 276 and 295.

the future expansion of the City of Bombay, by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain class of the inhabitants of the said City and for the Presidency Police, by laying out vacant lands and by reclaiming and laying out parts of the foreshore of the Island of Bombay; and whereas it is expedient that a Board of Trustees should be appointed and endowed with special powers to carry out the foresaid purposes in the manner and subject to the restrictions and condition hereinafter specified, and whereas it is proposed that certain lands and reclamation rights shall be vested in the Board in the manner hereinafter appearing, and whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (*1*) This Act may be called the City of Bombay Improvement Act, 1898.

(*a*) It extends only to the City of Bombay.

(*b*) It shall come into force immediately on the passing thereof.

Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

(*2*) Nothing in this Act shall be deemed to affect the provisions of the [1]Indian Telegraph Act, 1885, or the [1]Indian Railways Act, 1890.

XIII of 1885. IX of 1890.

Definition of terms.

2. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the meaning ascribed to such words under the [2] City of Bombay. Municipal Act, 1888, as from time to time amended, hereinafter referred to as "the Municipal Act":

Bom. III of 1888.

"Street."

Provided that the definition of the word "street" shall be read as if the words following the words "thoroughfare or not" were omitted:

"Public securities."

Provided also that the term "public securities" shall include securities issued under this Act:

"Land."

Provided also that in the construction of the provisions of Chapter III of this Act and of sections 60, 61 and 62, the word "land" shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in sub-section (*1*) of section 47 of this Act.

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1 General Acts, Vol. V.
2 Vol. II of this Code, p. 975.

CHAPTER II.

OF THE BOARD OF TRUSTEES.

Constitution of Board.

Board charged with execution of this Act.

3. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees for the Improvement of the City of Bombay"; and such Board, hereinafter referred to as "the Board", shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Constitution of the Board.

4. The Board shall consist of fourteen members, that is to say, of three *ex officio* Trustees, seven elected Trustees, three nominated Trustees, and a Chairman who shall also be a Trustee.

The *ex officio* Trustees shall be—

(*1*) the General or other Military Officer Commanding Bombay District,

(*2*) the Collector,

and

(*3*) the Commissioner.

Elected Trustees to be elected by the Corporation, the Chamber of Commerce, the Trustees of the Port of Bombay and the Mill-owners' Association.

5. Of the elected Trustees four shall be elected by the Corporation, one by the Bombay Chamber of Commerce (hereinafter called the Chamber), one by the Trustees of the Port of Bombay (hereinafter called the Port Trustees) and one by the Bombay Mill-owners' Association (hereinafter called the Mill-owners' Association), out of their own bodies, respectively, and any Trustee so elected shall be re-eligible.

Method of election.

6. The election of Trustees—

(*1*) by the Corporation, the Port Trustees and the Mill-owners' Association shall be in accordance with regulations which those bodies may respectively frame, provided that the election by the Corporation shall be by open vote;

(*2*) by the Chamber shall be held in the manner laid down in the Rules and Regulations of the Chamber for the election of Port Trustees.

Report to be made of election.

7. Upon the election of any Trustee or Trustees, the President of the Corporation, or the Secretary of the Chamber or the Secretary of the Port Trustees, or the Secretary of the Mill-owners' Association, as the case may be, shall

forthwith make a return to Government of the name or names of the person or persons elected as aforesaid, and such return shall be published in the *Bombay Government Gazette.*

Procedure in event of default to elect.

8. In the event of default being made by the Corporation, or the Chamber, or the Port Trustees, or the Mill-owners' Association, in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government, by notification in the *Bombay Government Gazette*, to nominate a person belonging to the body so making default, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Corporation, or the Chamber, or the Port Trustees, or the Mill-owners' Association, respectively.

Appointment of nominated Trustees and the Chairman.

9. The nominated Trustees and the Chairman shall be appointed by Government by notification in the *Bombay Government Gazette.*

Term of office of first Trustees when to commence.

10. The term of office of the first nominated and elected Trustees shall commence on such date not being within thirty days from the date of this Act coming into force as shall be notified in this behalf by Government.

Election and appointment of Trustees.

11. Upon the publication of the notification under section 10, the Corporation, the Chamber, the Port Trustees and the Mill-owners' Association shall respectively proceed to elect Trustees as hereinbefore provided. The Trustees first to be elected shall be elected on some day not later than a fortnight previous to the date which shall be notified under the said section, and the Trustees first to be nominated shall be appointed on some day during the said fortnight; in every other case elected Trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term of office is to commence; and nominated Trustees shall be appointed on some day in the remainder of the said month of March.

Duration of term of office of Trustees.

12. (*1*) The Chairman shall be from time to time appointed by Government for a period of not less than three years: provided that he may be removed from office by Government at any time, if it shall appear to Government that he has shown himself unsuitable for the office, or that he has been guilty of any misconduct or neglect which renders his removal expedient.

(*2*) The first nominated Trustees and four of the first elected Trustees, to be selected by lot at such time and in such manner as the Chairman shall determine, shall hold office up to and inclusive of the 31st day of March, 1901.

(*3*) The remaining three of the first elected Trustees shall hold office up to and inclusive of the 31st day of March, 1900.

In every other case the nominated and elected Trustees shall hold office for a term of two years.

Casual vacancies.

13. (*1*) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a nominated Trustee, or by the Corporation or the Chamber or the Port Trustees or the Mill-owners' Association, respectively, if it was that of an elected Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and election of Trustees: provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

For periods exceeding three months.

(*2*) If a Trustee, other than the Chairman,—

(*a*) departs from Bombay with a declared intention of being absent for a period exceeding three months; or

(*b*) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months; or

(*c*) has been absent from Bombay for a period exceeding three months;

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

Saving provision for acting appointment when necessary for less than three months.

(*3*) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of Government in case the absentee is a nominated Trustee, and on the application of the Board to the electoral body concerned if the absentee is an elected Trustee.

Disqualification of Trustees.

Causes which disqualify.

14. (*1*) A person shall be disqualified to be a Trustee who—

(*a*) is an uncertificated bankrupt or insolvent; or

(*b*) has been sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or

(*c*) holds any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board.

(2) But a person other than the Chairman shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in— Proviso.

(*e*) any lease, sale, exchange or purchase of immoveable property or any agreement for the same ; or

(*f*) any agreement for the loan of money, or any security for the payment of money only ; or

(*g*) any newspaper in which any advertisement relating to the affairs of the Board is inserted ; or

(*h*) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board ; or

(*i*) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

Grounds on which Trustees shall vacate office.

15. (*1*) Any Trustee who—

(*a*) becomes disqualified for any of the reasons mentioned in the last preceding section ; or

(*b*) is absent from or unable to attend the meetings of the Board for a period exceeding twelve consecutive months, or is absent without the permission of the Board from six consecutive ordinary meetings of the Board ; or

(*c*) acts in contravention of the provisions of the next succeeding sub-section ; or

(*d*) being an elected Trustee shall cease to be a Councillor, or a member of the Chamber, or a Port Trustee, or a member of the Mill-owners' Association, as the case may be,

shall cease to be a Trustee, and his office shall thereupon become vacant :

Provided that clause (*d*) shall not be deemed to apply to a Councillor or a Port Trustee who shall upon ceasing to be a Councillor or Port Trustee, as the case may be, be forthwith re-appointed or re-elected as a Councillor or Port Trustee.

Restriction on power of Trustees to vote or discuss matters in which they are interested.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in sub-section (2) of section 14 or in which he is interested either professionally on behalf of a client or as agent for any person.

Government to determine

16. (*1*) The Chairman shall receive such monthly salary as Government shall from time to time determine : provided that such salary shall not exceed

salary of Chairman.

Rs. 3,000, and, save during the twelve months next succeeding the date which shall be notified under section 10, shall not be less than Rs. 2,000. He shall, except within the period aforesaid, hold no other salaried office, and, save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under this Act.

(*2*) For the purposes of this section and of section 22 "salary" shall be deemed to be exclusive of any allowance to which the officer appointed may be entitled or any contribution which he may be liable to pay under the Civil Service Regulations.

Fees to which Trustees other than the Chairman shall be entitled.

17. Every Trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

For an ordinary meeting.

Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any Trustee for his attendance at all such meetings during that one week;

For a special meeting.

Rs. 30 for every special meeting of the Board convened under sub-section (*2*) (*b*) of the next succeeding section;

For a special meeting of a Committee.

Rs. 15 for every special meeting of a Committee of which such Trustee attending is a member, convened under sub-section (*4*) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses:

Proviso.

Provided that the aggregate amount of fees payable to any Trustee in respect of meetings held during any month shall not exceed Rs. 200 or such sum as may be fixed by any by-law from time to time made in this behalf.

Proceedings of Board.

Provisions concerning the Board's proceedings.

18. The following provisions shall be observed with respect to the proceedings of the Board, namely:—

Vacancy not to affect proceedings.

(*1*) During any vacancy in the Board, the continuing Trustees may act as if no vacancy had occurred.

The Board to meet and arrange for transaction

(*2*) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings and generally

with respect to the transaction of business, as they think fit, subject to the following provisions namely :— of business as they think fit.

(*a*) an ordinary meeting shall be held once at least in every month ; There must be an ordinary meeting once a month, or a special meeting whenever necessary.

(*b*) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

(*c*) no business shall be transacted at any meeting unless at least eight Trustees are present from the beginning to the end of such meeting ; Eight Trustees shall form a quorum.

(*d*) every meeting shall, if the Chairman be present, be presided over by him ; if he be absent, by such one of the Trustees present as may be chosen by the meeting ; Chairman, if present, to preside at every meeting.

(*e*) all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes ; All questions must be decided by a majority of votes.

(*f*) if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President ; Poll may be demanded.

(*g*) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours. Minutes must be kept.

(*3*) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit ; and may— The Board may delegate power to Committees.

(*a*) refer to such Committees for inquiry and report any subject relating to the purposes of this Act ;

(*b*) delegate to such Committees by a specific resolution in this behalf, and subject to any by-laws made under clause (*a*) of section 94 (*1*), any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the President of every such Committee. Chairman to be President of every Committee.

Committees when to meet.

(*4*) Committees may meet and adjourn as they think proper, but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee.

Chairman, if present, to preside at every meeting of a Committee.

(*5*) Every Committee meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting.

Questions in Committee to be decided by majority of votes: two-thirds of the members to form a quorum.

(*6*) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the President of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the Committee are present from the beginning to the end thereof.

Acts of the Board, etc., not to be invalidated by informalities.

(*7*) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

Mode of executing contracts when the value is not more than Rs. 1,000.

19. (*1*) The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

When the value is more than Rs. 1,000.

(*2*) Every other contract and agreement on behalf of the Board shall require the previous approval of the Board, shall be in writing, and shall be signed by the Chairman [1] * * * *, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding on the Board.

Custody and use of common seal.

(*3*) The common seal of the Board, which shall remain in the custody of the Secretary of the Board, shall not be affixed to any contract or other instrument except in the presence of two Trustees, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence.

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1 The words "and two other Trustees" were repealed by s. 2 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*, p. 1633.

The signatures of the said Trustees shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Signature of Chairman on coupons of debentures may be impressed, etc.

[1]19A. Notwithstanding anything contained in the last preceding section, the signature of the Chairman may be engraved, lithographed or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signature so engraved, lithographed or impressed shall be as valid as if the same had been subscribed in the proper handwriting of the said Chairman.

The Board may compromise claims by or against them.

20. The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

The Chairman.

Duties of Chairman.

21. The Chairman shall—

(*1*) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(*2*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, to the extent specified in section 92 (*1*), dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*3*) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

Leave of absence of Chairman.

22. (*1*) Leave of absence may be granted from time to time to the Chairman by Government.

Allowance of Chairman while absent on leave.

(*2*) The allowance (if any) to be paid to the Chairman whilst so absent on leave shall be of such amount, not exceeding the amount of the salary of the Chairman, as shall be fixed by Government: provided that if the Chairman is a Government officer, the amount of the allowance shall be such as he may be entitled to under the Civil Service Regulations.

Appointment and salary of acting Chairman.

(*3*) During any absence of the Chairman Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the person for whom he is appointed to act and shall be subject to the same liabilities,

[1] This section was inserted by s. 3 of the City of Bombay Improvement Amendment Act (Bom. Act 4 of 1901), *infra*, p. 1633.

restrictions and conditions to which the said person is liable and shall receive such monthly salary within the limit prescribed in section 16 as Government shall determine.

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

The Board on being satisfied by official representation of unhealthiness of district or area to make scheme for its improvement.

23. When an official representation as hereinafter mentioned is made to the Board that within certain limits in any part of the City either—

(*1*) any buildings used, or intended or likely to be used, for human habitation are unfit for human habitation, or

(*2*) the narrowness, closeness and bad arrangement, or the bad condition, of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings;

and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, the Board shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area:

Provided that any number of such areas may be included in one improvement scheme.

Provided also that for the purposes of section 26 the Board may cause surveys to be made in areas outside the limits of the area comprised in a scheme.

Official representation to be made by the Commissioner.

24. (*1*) An official representation for the purposes of this Act shall mean a representation made to the Board by the Commissioner.

(*2*) Such representation may be made by the Commissioner of his own motion, and shall be made by the Commissioner—

(*a*) on a resolution being passed by the Corporation in that behalf;

(*b*) on the written complaint of the Municipal Executive Health Officer;

(*c*) on the written complaint signed by three or more Justices residing within the ward comprising the area in respect of which the complaint is made;

(*d*) on the written complaint signed by twelve or more persons liable to pay any property tax leviable under the Municipal Act and residing within the ward comprising the area in respect of which the complaint is made.

Particulars to be provided for in an improvement scheme.

25. The improvement scheme, which may exclude any part of the area in respect of which an official representation is made, or include any neighbouring land, if the Board are of opinion that such exclusion or inclusion is expedient,—

(*1*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme,

(*b*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(*c*) draining and lighting streets so formed or altered;

(*2*) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Board may deem expedient to raise for the better drainage of the locality,

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,

(*c*) the whole or any part of the sanitary arrangements required; and

(*3*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Considerations which shall prevail in making the scheme.

26. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement or street schemes being required for the neighbouring and other parts of the City

Procedure on completion of the scheme.

27. (*1*) Upon the completion of an improvement scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying

the land proposed to be acquired, may be seen at all reasonable hours; and shall—

Copy of notification of the scheme to be communicated to the President of the Corporation.

(*a*) communicate a copy of such notification to the President of the Corporation, who shall, within thirty days from the date of receipt thereof, forward to the Board, for transmission to Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme;

Publication of notification.

(*b*) during three consecutive weeks publish simultaneously in the *Bombay Government Gazette* and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a copy of the said notification.

Service of notices on owners of property to be acquired in executing the scheme.

(*2*) During the thirty days next following the first day on which such notification is published, the Board shall serve a notice on every person whose name appears in the Commissioner's assessment-book as primarily liable for the payment of the property taxes leviable under the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within thirty days from the date of service of the notice.

Notices how to be served.

(*3*) Such notice shall be signed by, or by the order of, the Chairman, and shall be served—

(*a*) by delivery of the same personally to the person required to be served, or, if such person is absent or cannot be found, to his agent, or, if no agent can be found, then by leaving the same on the land of building; or

(*b*) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or

(*c*) by post addressed to the usual or last known place of abode or business of such person.

The Board after publication and service of notices to forward the scheme to Government for sanction.

28. (*1*) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme the Board shall, after consideration of any representation or answer received under section 27 and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

(2) The application for sanction shall, save in the case provided for in sub-section (3), be accompanied by— Particulars to accompany the application for sanction.

(a) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

(b) complete plans and estimates of the cost of executing the scheme;

(c) a statement specifying the land proposed to be acquired;

(d) any representation received under sub-section (1) of section 27;

(e) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (2) of section 27 dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land;

(f) a schedule showing the rateable value, as entered in the Commissioner's assessment-book, at the date of the publication of a notification relating to the land under section 27, of all land specified in the statement under clause (c) and of any other land wholly or partially situated within eighty feet from either side of any street to be formed or altered in executing the scheme.

(3) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of section 27, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of section 29 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme. Procedure when the scheme provides for the construction of dwellings for the poorer and working classes.

29. (1) (a) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose. On receipt of sanction, declaration to be published giving particulars of land to be acquired, and on publication of such declaration the Board to proceed to execute the scheme.

(b) The declaration shall be published in the *Bombay Government Gazette* and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) (a) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered. The Board to have power to alter any part of the scheme.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by a greater sum than Rs. 5,000 the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under section 28 (*2*) (*f*), the provisions of sections 27 and 28 and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

Street Schemes.

The Board to have power to make a street scheme.

30. Whenever the Board is of opinion that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter existing streets in any part of the City, the Board may pass a resolution to that effect, and shall forthwith proceed to make a street scheme for such area as may seem expedient to the Board.

Particulars to be provided for in a street scheme.

31. The street scheme—

(*1*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme;

(*b*) re-laying out all or any land, including the construction and reconstruction of buildings and the formation and alteration of streets;

(*c*) the draining and lighting of streets so formed or altered;

[1](*2*) may within the limits aforesaid, provide for (*a*) raising any land vested in or to be acquired by the Board which the Board may deem expedient to raise for the better drainage of the locality; (*b*) forming open spaces for the better ventilation of the area comprised in the scheme, or of any area occupied by buildings constructed under sub-section (*3*) of this section; and

(*3*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

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[1] Sub-section (2) was substituted by s. 4 of the City of Bombay Improvement Amendment Act, 1901 (Bom. 4 of 1901), *infra*, p. 1633.
The original sub-section ran as follows:—
"(2) may, within the limits aforesaid, provide for raising any land vested in or to be acquired by the Board which the Board may deem expedient to raise for the better drainage of the locality; and"

Procedure on the completion of a scheme.

32. Upon completion of a street scheme the provisions of sections 27, 28 and 29 shall, with all necessary modifications, be applicable to the scheme, in the same manner as if the scheme were an improvement scheme.

Reclamation Schemes.

The Board to have power to make a Reclamation scheme.

33. Whenever the Board is of opinion that it is expedient for the purposes of this Act to reclaim any area within the limits specified in Schedule E, the Board may pass a resolution that it is expedient to reclaim such area as aforesaid, and shall forthwith forward a map showing the area proposed to be reclaimed to Government for transmission to the Government of India, who shall determine, with reference to the site of any battery and the arcs of fire of the guns thereof, the limits within which no building shall be erected within such area.

Upon receipt of the orders of the Government of India the Board shall proceed to make a reclamation scheme, which shall conform with such orders, in respect of such area.

Particulars to be provided for in a reclamation scheme.

34. (*1*) The reclamation scheme shall provide for—

(*a*) enclosing and filling in such part of the foreshore as shall be necessary to reclaim the area comprised in the scheme;

(*b*) laying out all or any land reclaimed within the area, including the formation of streets;

(*c*) draining and lighting streets so formed;

d) the whole or any part of the sanitary arrangements required.

(*2*) If in respect of any reclamation at Colaba any part of the area is situate to the west of any land in military occupation, particulars of the scheme shall be submitted to Government, who shall determine—

(*a*) what, if any, portion of the area to be reclaimed will be required to be taken possession of for a military purpose under the provisions of section 61 (*3*);

(*b*) with reference to the sanitary requirements of the troops, the conditions on which buildings may be erected on any part of the said area, and the scheme shall conform with such orders.

Procedure on completion of a scheme.

35. Upon the completion of a reclamation scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the areas comprised therein, and naming a place where particulars of the scheme (including full estimates of the cost and anticipated profits) and a map of the area comprised therein, may be seen at all reasonable hours, and shall—

Copy of notification of the scheme to be com-

(*1*) communicate a copy of such notification to the President of the Corporation, who shall, within thirty days from the date of receipt thereof, forward to the Board for transmission to Government as hereinafter provided any

municated to the President of the Corporation.

representation which the Corporation may think fit to make with regard to the scheme ;

Publication of notification.

(2) during three consecutive weeks publish a copy of the said notification in *Bombay Government Gazette.*

The Board after publication to forward the scheme to Government for sanction.

36. (1) Upon compliance with the provisions of the last preceding section, the Board shall, after consideration of any representation received under the said section, and after inserting in the scheme such modifications not at variance with the orders received under sections 33 and 34 as they may think fit, apply to Government for sanction to the scheme.

(2) The application for sanction shall be accompanied by—

(*a*) a description with full particulars of the scheme, including the reasons for any modifications inserted therein ;

(*b*) complete plans and estimates of the cost of executing the scheme ;

(*c*) full estimates of the anticipated profits of the scheme ;

(*d*) any representations received under section 35.

(3) On receipt of the sanction of Government the Board shall proceed to execute the scheme.

Government not liable for loss due to enforcement of any order issued under section 33 or 34.

37. No person shall be entitled to any compensation from, and no suit for compensation shall lie against, either the Government of India or Government in respect of any loss or damage to the interests, immediate or prospective, of any person, due to the enforcement of any order or prohibition issued under section 33 or 34.

Police Accommodation Schemes.

The Board to have power to make a Police accommodation scheme.

38. (1) When a representation is made by Government to the Board that within any part of the City accommodation is required for housing any part of the Police of the City, the Board shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall forthwith proceed to make a Police accommodation scheme.

Particulars to be provided for in a Police accommodation scheme.

(2) The Police accommodation scheme may provide for constructing dwellings and accessory buildings (including stables for horses) for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on the com-

39. Upon completion of a Police accommodation scheme, the provisions of sections 27, 28 and 29 shall, with all necessary modifications, be applicable

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to the scheme in the same manner as if the scheme were an improvement scheme. pletion of a scheme.

40. (*1*) Any building constructed under the last two preceding sections shall be leased to Government for Police purposes on a repairing lease for a term of sixty years from the date of the completion of the building, and Government shall during the period of such lease pay yearly to the Board by way of rent (to be deemed to be part of the annual expenses of the Police of the City) a sum which shall comprise— The building when complete to be leased by the Board to Government for sixty years for Police purposes.

(*a*) the interest and sinking fund charges on the capital cost of the building, such charges to be calculated at the rate applicable to the last loan raised by the Board under section 52 preceding the date of completion of the building;

(*b*) all rates and taxes payable by the Board in respect of the building and the land forming the site thereof.

(*2*) "Capital cost of the building" for the purposes of this section shall be an amount equal to— "Capital cost of the building" defined.

(*a*) the cost of the construction of the building, including preliminary expenses, and an allowance for management, supervision and interest and sinking fund charges (to be calculated in the manner aforesaid) during construction;

(*b*) the cost of the land forming the site of the building.

(*3*) "The cost of the land" for the purposes of this section shall be deemed to be,— "The cost of the land" defined.

(*a*) if and so far as the land was acquired for the purpose—the actual cost of its acquisition,

(*b*) if and so far as the land forms part of any land specified in Schedule C or D or reclaimed within the limits specified in Schedule E—its value as determined under section 51: Provided that such value shall be paid by the Board to Government or the Corporation, as the case may be, and the land shall thereupon vest in the Board for the term of the said lease, and the liability of the Board in respect of the land shall cease as if the land were resumed or taken possession of under the provisions of section 60 (*7*) or section 61 (*3*) respectively.

(*4*) On the expiration of the lease the building and the land forming the site thereof shall vest in the Corporation for the purpose of housing the City Police, and such rent only shall be charged in respect of the building and the land to the annual Police expenses as may represent the annual main- On expiration of lease the building and the site thereof to vest in the Corporation

for Police purposes.

tenance charges together with the rates and taxes payable in respect of the building and the land.

General.

Land vested in the Corporation and required by the Board for the formation and alteration of a street to be vested temporarily in the Board.

41. Whenever under any improvement or street scheme the whole or any part of an existing public street or other land vested in the Corporation is included in the site of any part of a street to be formed, altered, widened, diverted, raised, re-arranged or re-constructed by the Board, the Board shall give notice to the Commissioner that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the "part required") is required by them as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (2) of section 45, be vested in the Board: Provided that nothing in this section contained shall be deemed to affect the rights or powers of any Municipal authority, under Chapters IX and X respectively of the [1] Municipal Act, in or over any Municipal drain or water-work. Bom. III of 1888.

Cost of acquiring such land when to be repaid to the Corporation.

[2]41A. In respect of any such part required which is or forms part of land acquired by the Corporation subsequently to the 9th November 1898 under the provisions of section 298 of the Municipal Act, the Board shall pay to the Corporation the actual cost incurred by the Corporation in acquiring such land, or such portion thereof as shall bear to the whole actual cost so incurred, the same proportion that the area of the part required bears to the whole area of the land so acquired.

The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities in regard to public and private streets.

42. The provisions of sections 289 to 329 (both inclusive) of the [1] Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and for the purposes of this Act, the several Municipal authorities referred to in any of the said sections of the said Act shall respectively mean the Board who, in respect of any streets or parts of streets so vested, may alone exercise and perform all or any of the powers and functions which by any of the said sections might have been exercised or performed by any Municipal authority either with or without the sanction, authority or approval of any other Municipal authority. The expression "Municipal officer or servant" occurring in any of the said sections of the said Act shall mean officer or servant of the Board. Bom. III of 1888.

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1 Vol. III of this Code, p. 975.

2 S. 41A was inserted by s. 5 of the City of Bombay Improvement Amendment Act, 1901 (Bom. 4 of 1901), *infra*, p. 1624.

Bom. III of 1888.

43. The provisions of section 334 of the [1] Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to any streets or parts thereof which may become vested in the Board under this Act, during such periods as the same may respectively remain so vested, and, for the purposes of this Act, the expression "Commissioner" occurring in the said section of the Municipal Act shall mean the Board, who, during such periods as aforesaid, shall alone exercise and perform all or any of the powers and functions which might, under the said section of the said Act, have been exercised or performed by the Commissioner; and the expression "Municipal fund" shall mean the funds of the Board.

Powers and liability of the Board as to gas pipes in land vested in the Board.

Bom. I of 1874.

44. The provisions of sections 3, 4, 10, 11, 12, 13, 14, 15, 27, 28 and 29 of the [2] Bombay Tramways Act, 1874, shall, so far as may be consistent with the tenour of this Act, apply to public streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and, for the purposes of this Act, the expressions "Municipal Commissioner", "Commissioner" and "Corporation" occurring in any of the said sections of the said Act shall mean respectively the Board, and the expressions "Executive Engineer of the said Corporation" and "Executive Engineer" shall mean respectively the Engineer of the Board.

The Board may, in respect of land vested in the Board exercise certain powers conferred upon Municipal authorities by the Bombay Tramways Act, 1874.

45. (*1*) No new street, if made for carriage traffic, shall be less than forty feet in width, nor, if made for foot traffic only, shall be less than twenty feet in width:

Minimum width of new streets.

Provided that where in an improvement or street or reclamation scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street, on such terms as to preclude such space being built over, when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than forty feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than twenty feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than ten feet in width.

Proviso in case of garden or open spaces being reserved on one or both sides of a street.

(*2*) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp-posts and other apparatus as are in his opinion necessary for the lighting thereof and should be provided by the Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the

Streets on completion to vest in and be maintained by the Corporation.

1 Vol. III of this Code, p. 975.
2 Vol. II of this Code, p. 495.

Corporation, and the Corporation shall thenceforward maintain, keep in repair, light and cleanse such street.

Open spaces reserved for ventilation to vest in and be maintained by the Corporation.

(*3*) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any scheme sanctioned under this Chapter, shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereupon vest in the Corporation: Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose, and, if necessary, provide lamps or other apparatus for lighting any such open space.

Disputes under this section to be determined by Government.

(*4*) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section shall be determined by Government, whose decision shall be final.

Acquisition of Land.

The Board to have power to acquire land by agreement.

46. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land needed by the Board for the purposes of this Act, or with the owners of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

47. Notwithstanding anything contained in the [1] Land Acquisition Act, 1894 (in this and the next succeeding section referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof, subject to the provisions of this chapter and to the provisions following, namely:— I of 1894.

(*1*) A reference to any section of the said Act shall be deemed to be a reference to such section, as modified by the provisions of this chapter, and the expression "land", as used in the said Act, shall, in addition to the meaning included therein under clause (*a*) of section 3 of the said Act, be deemed, for the purposes of this Act, to include rights created by legislative enactment over any street; [2]["and

[1] General Acts, Vol. VI, p. 100.

[2] These words were substituted for the words "and clause (*b*) of section 3 of the said Act shall, for the purposes of this Act, be read as if the words 'or if he is the owner of any right created by legislative enactment over any street forming part of the land'" were added after the words "affecting the land"; by s. 2 of the City of Bombay Improvement (Amendment) Act, 1908 (Bom. Act 2 of 1908), *infra*.

clause (*b*) of section 3 of the said Act shall for the purposes of this Act, be read as if the words and parentheses '(including the Crown)' were inserted after the words 'includes all persons'; and the words 'or if he is the owner of any right created by legislative enactment over any street forming part of the land' were added after the words 'affecting the land]'''

(*2*) In the construction of sub-section (*2*) of section 4 of the said Act and the provisions of this chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under section 25, 30 or 38, and the expression "Local Government" shall be deemed to include the Board, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution;

(*3*) In the construction of the sections of the said Act deemed to form part of this chapter and the provisions of this chapter, the publication of a declaration under section 29, 32 or 39 shall be deemed to be the publication of a declaration under section 6 of the said Act;

(*4*) In the construction of section 50, sub-section (*2*), of the said Act and the provisions of this chapter the Board shall be deemed to be the local authority or company concerned.

A Tribunal of appeal to be appointed to perform the functions of the Court.

48. (*1*) For the purposes of this chapter a Tribunal of appeal (hereinafter called the Tribunal) shall be constituted as hereinafter mentioned to perform the functions of the Court under the said Act, and, in the construction of the said Act and the provisions of this chapter, the Tribunal shall be deemed to be the Court, and the award of the Tribunal, or, in the event of disagreement, the award of the majority of the Tribunal, shall be deemed to be the award of the Court, and shall, subject to the provisions for appeal hereinafter contained, be final, and the President of the Tribunal shall be deemed to be the Judge.

Questions of law and procedure to be decided by the President.

(*2*) The decision of all questions of law and procedure shall in every case rest solely with the President.

Constitution of the Tribunal.

(*3*) Such Tribunal shall consist of three members, that is to say, of a President and two assessors. The President and one of the assessors shall be appointed by Government by notification in the *Bombay Government Gazette*; the other assessor shall be appointed by the Corporation: Provided that any person who is a Trustee under this Act, or who, by reason of the provisions of section 14, is disqualified to be a Trustee, shall be disqualified to be a member of the Tribunal.

Selection of President.

[1] (*4*) The President shall be either—

(*a*) a member of the Judicial Branch of the Imperial or Provincial Civil Service of not less than ten years' standing, who shall have served as District Judge, or held judicial office not inferior to that of a First Class Subordinate Judge, for at least three years of that period : or

(*b*) a Barrister, Advocate or Pleader of not less than eight years' standing, who has practised as an Advocate or Pleader in the Bombay High Court.

Duration of office.

(*5*) Members of the Tribunal shall be appointed for a term of one year, and any such member shall be eligible for re-appointment.

Removal of members.

(*6*) It shall be lawful for Government, if they think fit, to remove for inability, or misbehaviour, or other good and sufficient cause, any member of the Tribunal.

Vacancies to be supplied.

(*7*) Upon the occurrence of any vacancy in the Tribunal or during the temporary absence through illness or other unavoidable cause of any member thereof, Government or the Corporation (as the case may be), whichever of them shall have appointed the member of the Tribunal whose place shall be vacated, shall appoint forthwith a fit person to be a member (either temporary or permanent) of the Tribunals in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

Remuneration of members.

(*8*) Each member of the Tribunal shall be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as Government may from time to time fix.

Expenses of the Tribunal to be paid by the Board.

(*9*) The remuneration mentioned in sub-section (*8*) and the cost of any special clerical or other establishments which shall be necessary shall be paid by the Board.

Enforcement of the decision of the Tribunal.

(*10*) Any award or order of the Tribunal shall be enforced by the Small Cause Court as if it had been a decree or order of that Court.

Appeal to the High

[2] (*11*) In any case in which the President may grant a certificate that the

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[1] Sub-section (*4*) was substituted by s. 6 of the City of Bombay Improvement Amendment Act, 1901 (Bom. 4 of 1901), *infra*, p. 1634.

The original sub-section was as follows :—

"(4) The President shall be selected from—

(*a*) members of the Judicial Branch of the Imperial and Provincial Service of not less than ten years' standing, who shall have served as District Judge for at least three years of that period, or who have had judicial office not inferior to that of a first class Subordinate Judge or Chief Judge of the Presidency Small Causes Court for a period of not less than three years ;

(*b*) practising Barristers, Advocates or Pleaders of the High Court of Bombay, of not less than eight years' standing.

[2] For Act confirming the clause and as to procedure applicable to appeals and the limitation of appeals thereunder, *see* the Bombay City Improvement Supplementing Act, 1904 (Act 14 of 1904), Vol. I of this Code, p. 260.

case is a fit one for appeal, there shall be an appeal to the High Court from the award or any part of the award of the Tribunal. Court from the decision of the Tribunal in certain cases.

(*12*) Subject to the sanction of Government, the President of the Tribunal shall have power— Power of President to make appointments and rules with the sanction of Government.

(*a*) to appoint such clerks and other officers or servants as may be necessary for carrying on the business of the Tribunal and to fix their salaries, which shall be paid accordingly by the Board ; and

(*b*) to make rules for the conduct of the business of the Tribunal, provided that such rules are not repugnant to the provisions of the [1]Code of Civil Procedure ; and such rules shall come into force on receiving the sanction of Government.

XIV of 1882.

49. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply :— Special provisions as to compensation.

(*1*) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building ;

(*2*) When any addition to, or improvement of, the land or building has been made after the date of the publication under section 27, 32 or 39 of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building ;

(*3*) In estimating the market-value of the building at the date of the publication of a declaration relating thereto under section 29, 32 or 39, the Court shall have due regard to the nature and then condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of sub-sections (*4*), (*5*) and (*6*) of this section ;

(*4*) When the owner of the land or building has, after the passing of this Act, and within twenty-four months preceding the date of the publication of a notification relating to the land or building under section 27, 32 or 39, made a return under section 155 of the [2]Municipal Act of the rent of the land or building, the rent of the land or building shall not in any such case, save as the Court may otherwise direct, be deemed to be greater than the

Bom. III of 1888.

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1 *See* Act 14 of 1882, as modified up to 1st December, 1899.
2 Vol. III of this Code, p. 975.

rent shown in the latest return so made: Provided that where any addition to or improvement of the land or building has been made after the date of such latest return and previous to the date of the publication of a notification under section 27, 32 or 39, relating to the land or building, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement;

(5) If in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

(6) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair;

(7) If in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials less the cost of demolition.

Collector to take possession after making award and transfer land to the Board.

[1]150. When the Collector has made an award under section 11 of the [2]Land Acquisition Act, 1894, as applied by this chapter, he may take possession of the land, which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Board, and the land shall thereupon vest in the Board subject to the Board's ability to pay any further costs which may be incurred on account of the acquisition of the land.

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[1] Section 50 was substituted by s. 3 of the City of Bombay Improvement (Amendment) Act, 1908 (2 of 1908), *infra*. The substituted section is to be deemed to have been made and to have effect from the date of the commencement of this Act.

The original section was as follows :—

When the Collector has made an award under section 11 of the Land Acquisition Act, 1894, and the provisions of this Chapter, he may take possession of the land, which shall thereupon vest absolutely in Her Majesty free from all encumbrances, and the Collector shall upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred on account of the acquisition of the land, transfer the land to the Board, and the land shall thereupon vest in the Board.

[2] General Acts, Vol VI, p. 100.

(Chapter III.—Duties and Powers. Sec. 51. Chapter IV.—Borrowing Powers. Secs. 51-54.)

Resumption of lands from the Board.

Value of land resumed under sub-section (7) of section 60 to be determined by the Collector.

51. *(1)* Whenever any land specified in Schedule C or D, other than land in respect of which no capital debt shall have been incurred by the Board, is resumed under section 60 *(7)*, the value of the land so resumed shall be determined by the Collector, who shall take into consideration—

(*a*) the value (as shown in the schedule) of the plot of which the land forms part;

(*b*) the amount of any expenditure incurred by the Board in improving the general value of the plot;

(*c*) the relation which such land bears to the rest of the plot of which it forms part, in respect of area and frontage and other recognized considerations affecting land value.

Value of land taken possession of under sub-section (3) of section 61 to be determined by the Collector.

(2) Whenever any lands forming part of an area reclaimed within the limits specified in Schedule E is taken possession of under section 61 *(3)*, the value of the land shall be determined by the Collector, who shall take into consideration—

(*a*) the cost as defined in section 71 *(2)* of effecting the reclamation of the area;

(*b*) the relation which such land bears to the rest of the area reclaimed in respect of area and frontage and other recognized considerations affecting land value.

Provision for appeal to the Tribunal.

(3) An appeal shall lie from the determination of the Collector under this section to the Tribunal.

CHAPTER IV.

Borrowing Powers.

Power to borrow from the Secretary of State for India in Council or other persons.

52. The Board may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or, with the previous sanction of the Government of India, from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under section 79.

Government to direct manner in which money shall be borrowed from other persons.

53. Whenever the sanction of the Government of India has been obtained to the raising of money by the Board from any person other than the Secretary of State for India in Council under the last preceding section, Government shall, with the previous consent of the Government of India, direct and appoint the manner in which such money shall be raised.

Interest on debenture loans to form charge prior to interest due to the Secretary of State or Corporation.

54. If such money shall be raised on debentures bearing interest, such interest shall constitute a charge on the revenue of the Board prior to the charge for interest payable to the Secretary of State for India in Council and to the Corporation under section 68.

Provision for sinking fund to repay money borrowed.

55. (*1*) The Board shall either pay off the money borrowed under the provisions of the preceding sections by equal yearly or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed within the period sanctioned.

(*2*) In respect of any sinking funds which by this Act the Board is directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Board is empowered to invest in like securities, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the Government of India shall have been duly obtained under section 52, provided that the intention to so reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(*3*) The issue of any such debentures direct to and in the name of "The Trustees for the Improvement of the City of Bombay" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(*4*) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

Dates fixed for investment of sinking funds in public securities.

56. The investment every year or every half-year of any sum set apart as part of the principal of a sinking fund shall be made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established; and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

Period over which loans may extend.

57. Except with the previous sanction of the Government of India,—

(*1*) the period for the repayment of any loan shall not exceed sixty years, and

(*2*) when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned.

Form of securities.

58. (*1*) When money is raised by the Board on debentures, the debentures shall be in the form of Schedule B, or in such other form as the Board, with the previous consent of Government, shall from time to time determine.

(*2*) The holder of any debenture in the form of Schedule B, or in any form duly authorized under this section, may obtain in exchange therefor upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

(*3*) Every debenture issued by the Board shall be transferable,—

(*a*) if it is in the form of Schedule B, by endorsement, and

(*b*) if it is in any other form, in such manner as shall be therein expressed.

(*4*) The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

The Board to have power to take advances from Banks to the extent of any loan sanctioned by Government and to grant mortgages.

59. Notwithstanding anything contained in section 52, the Board may take from any bank credit on a cash account to be opened and kept with such Bank in the name of the Board to the extent of any loan sanctioned under section 52, and may, with the sanction of Government, grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with the interest thereon.

CHAPTER V.

PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

Particulars of lands vested in the Board.

60. (*1*) Immediately upon the date, which shall be notified under section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained—

All the estate, right, title and interest of Her Majesty and of the Corporation respectively in and to the several lands respectively specified in Schedule C and Schedule D and shown on the deposited plans, subject, in the case of the lands specified as plot 12 in Schedule C, to the right therein reserved of temporary occupation by Government and, in the case of the lands specified as plot 18 in the said Schedule, to the right of Government therein reserved to remove the materials of certain buildings.

The Flats.

(*2*) Upon the lands in Schedule C, referred to as the *Flats*, the Board shall not at any time erect, or allow to be erected, any building of a permanent

character, but the Board may at any time erect, or cause or allow to be erected, on the said lands any temporary structures, which may be necessary for the purpose of storing goods or for any purpose other than of human habitation.

Any portion of the *Flats* which may at any time be required by the Corporation for the purposes of any scheme sanctioned by the Corporation for the drainage of the City or for reducing the level of the subsoil water in the City, shall be surrendered to the Corporation free of charge and shall thereupon vest in the Corporation, but the Board shall not be liable for the cost of any works for the drainage of any part of the *Flats*, which may be undertaken as part of or in connection with any such scheme.

The Kennedy Sea Face

(*3*) In respect of the lands in Schedule C, referred to as the *Kennedy Sea Face*, the Board shall, for a period of thirty years from the date which shall be notified under section 10, or for such further period during which Government may not have exercised the power of resumption as hereinafter provided, have power at any time—

(*a*) to permanently appropriate the whole or any part of the said lands as an open space, or

(*b*) with the express sanction of Government, to be previously obtained, to appropriate the whole or any part of the said lands to building purposes.

Any part of the said lands, which upon the expiration of the said period of thirty years shall not have been permanently appropriated as an open space or the appropriation whereof shall not have been sanctioned as in the last clause mentioned, may be at any time resumed by Government.

Any part of the said lands may, so long as it remains unappropriated to building purposes, be occupied by Government for any temporary purpose subject to the provisions of any by-laws made by the Board under section 94 (*1*) (*c*).

The Cooperage Plot, the Secretariat Plot and the Marine Lines Estate.

(*4*) With respect to the lands respectively referred to in Schedule C as the *Cooperage Plot* [1] *, the *Secretariat Plot* [2][and the Marine Lines Estate], the Board shall have power at any time, with the sanction of Government to be previously obtained, to appropriate the whole or any part of the said lands to either of the purposes mentioned in clauses (*a*) and (*b*) of the last preceding sub-section.

Any part of the said lands the appropriation of which shall not have been

1 The word " and " was omitted by s. 7 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*, p. 1634.

2 These words were inserted by the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), s. 7, *infra*, p. 1634.

sanctioned in manner aforesaid may at any time be resumed by Government for any Government purpose ; and

any part of the said lands which shall not have been appropriated to building purposes may at any time be occupied by Government for any temporary purpose subject to the provisions of any by-laws made by the Board under section 94 (*1*) (*c*).

The Board to maintain and manage lands referred to in sub-sections (2), (3) and (4).

(*5*) The Board shall be responsible for the maintenance and management of any area forming part of the lands referred to in sub-sections (*2*), (*3*) and (*4*), which may from time to time remain unappropriated or unresumed as aforesaid, and shall do, or cause to be done, all acts necessary for the preservation of all existing rights in and over such area and subject to the provisions of this Act ; and the Board shall have power to let the whole or any part of such area for any temporary purpose on sufferance lease, at such nominal or other rent as the Board may approve.

Period for which lands shall remain vested in the Board.

(*6*) The property vested in the Board under this section shall, subject to the provisions of this section, remain so vested until such time as the whole of the lands specified in Schedules C and D, except those appropriated to the purpose mentioned in clause (*a*) of sub-section (*3*), shall be let on a building lease by the Board, or as to any part thereof until such time as such part shall be so let, and thereafter as to the whole, except as aforesaid, or any such part, for a further period, which shall be determined,—

(*a*) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease ;

(*b*) where the lease granted by the Board contains a clause for the renewal of the lease —

(i) when a renewed lease shall have been entered into, upon the expiration of such renewed lease ;

(ii) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable :

Proviso as to aggregate term for which such lands may be leased by the Board.

Provided that no unrenewable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease, and of the term for which such lease shall be renewed or be expressed to be renewable, exceed 99 years.

Power of Government and the Corporation to resume lands required for

(*7*) Any land, other than land leased or agreed to be leased by the Board specified in Schedule C which shall be required by Government for a public purpose, or specified in Schedule D which shall be required by the Corporation for a public purpose, may at any time, after giving six months' notice to the Board, be resumed by Government or by the Corporation, as the case may be,

a public purpose.

and the capital debt of the Board shall be reduced by an amount equal to the value of the land as determined under section 51 (*1*).

Particulars of reclamation rights vested in the Board.

61. (*1*) Immediately upon the date which shall be notified under section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained, the right to reclaim the bed of the sea, the property of Her Majesty, within the limits specified in Schedule E, and all the estate, right, title, and interest of Her Majesty to and in such lands as may be reclaimed by the Board within the said limits until such time as the whole of the lands reclaimed, or as to any part thereof, until such time as such part shall be let on a building lease by the Board and thereafter as to the whole or any such part for a further period which shall be determined in the manner described in section 60 (*6*) :

Provision in event of the Board failing to commence reclamation.

(*2*) If on the expiration of a period of twenty years from the date which shall be notified under section 10, or such further period as the Government of India may determine, the Board shall have failed to commence the reclamation of any area within the limits specified as aforesaid, the right and property vesting in the Board in respect of such area under this section shall forthwith be divested and shall revest absolutely in Her Majesty.

Power of Government to take possession of any reclaimed land required for a public purpose.

(*3*) Any land reclaimed, other than land leased or agreed to be leased by the Board, which shall be required by Government for a public purpose, may at any time, after giving six months' notice to the Board, be taken possession of by, and shall thereupon forthwith vest in, Government, and Government shall pay to the Board an amount equal to the value of the land as determined under section 51 (*2*), and the liability (if any) of the Board to Government under section 70 in respect of the land shall be remitted.

Vesting of property in Her Majesty and the Corporation respectively on the termination of leases granted by the Board.

62. Upon the determination of the further period mentioned in sections 60 (*6*) and 61 (*1*), respectively, the property vested in the Board under the said sections in any part of the lands specified in Schedule C, except those mentioned in section 60 (*2*), and appropriated for the purpose mentioned in clause (*a*) of sub-section (*3*) of the same section, and of the lands specified in Schedule D, and of the lands reclaimed within the limits specified in Schedule E, shall, as to the part thereof in respect of which such further period shall have determined, be forthwith divested and such part of such lands shall vest or revest absolutely in Her Majesty or in the Corporation, as the case may be, and in every case the liability in respect of the capital debt due to the Secretary of State for India in Council of the Corporation under section 67 or the liability of the Board to the Secretary of State for India in Council under section 70, as the case may be, shall be reduced by an amount calculated in such a way that upon the divesting as aforesaid of the whole of the lands specified in Schedule C except as aforesaid, or in Schedule D or reclaimed within the areas specified in Schedule E, the aforesaid liability of the Board in respect of such lands respectively shall be wholly extinguished.

General Powers as to Property.

Power to the Board to acquire and hold property.

63. The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the City, and shall also, subject to the provisions of this Act, have power—

Power to lease.

(*1*) to let on hire, or lease, any moveable or immoveable property which may have become vested in or acquired by them ;

Power to sell.

(*2*) to sell and otherwise convey any moveable or immoveable property which may have become vested in or acquired by them other than the lands specified in Schedules C and D and any lands reclaimed within the limits specified in Schedule E.

Application of the sale-proceeds of lands or buildings vested in the Board.

64. The proceeds of the sale of any portion of the lands or buildings vested or vesting in the Board under this Act shall be applied either to meet current capital expenditure, or in liquidation of the principal sum of any debt contracted by the Board under section 52, if the same or any portion of the same is at the time payable, or by way of addition to the amounts payable in respect of sinking funds under section 55.

Power to apply certain lands vested in the Board to the purposes of any scheme under this Act.

65. The Board shall have power, subject to the provisions of section 60, to apply any of the lands specified in Schedules C and D or reclaimed within the limits specified in Schedule E for the purposes of any scheme under this Act.

Adjustment of value of lands so applied.

66. (*1*) Where any part of the land specified in Schedule C or in Schedule D shall have been appropriated by the Board in forming a street, the capital debt due by the Board to the Secretary of State for India in Council or to the Corporation respectively, shall be reduced by an amount equivalent to its value to be determined by the Collector, regard being had to the value, as shown in Schedule C or Schedule D, respectively, of the plot of which the land forms part.

Provision for appeal to the Tribunal.

(*2*) An appeal shall lie from the determination of the Collector under this section to the Tribunal.

Liabilities.

Particulars of capital debts due by the Board to the Secretary of State and Corporation.

67. The capital debts due by the Board include—

(*1*) to the Secretary of State for India in Council—

(*a*) the amounts specified in Schedule C, subject, however, to any reduction of capital debt made under sub-section (*7*) of section 60 or under section 66 ;

(*b*) the value of any land referred to in sub-sections (*3*) and (*4*) of section 60 which may have been appropriated as an open space ;

(*c*) the value of any land referred to in sub sections (*3*) and (*4*) of section 60 which may have been appropriated to building purposes :

The value of the land (if any) to be taken into account under clauses (*b*) and (*c*) shall be determined by the Collector, regard being had to the value in the last column of Schedule C expressed to be applicable, of the whole of the plot of which the land appropriated forms part:

Provision for appeal to the Tribunal.

An appeal shall lie from the determination of the Collector under this section to the Tribunal:

(*2*) to the Corporation—

the amount specified in Schedule D, subject, however, to any reduction of capital debt made under sub-section (*7*) of section 60 or section 66, and exclusive of the value of any land revesting in the Corporation under sub-section (*3*) of section 45.

Particulars of the interest payable by the Board.

68. (*1*) On the amounts referred to in sections 67 (*1*) (*a*) and 67 (*2*), interest shall begin to accrue on (but not before) the 1st day of April, 1908, at the rate of 3 per centum per annum, and the Board shall pay to the Secretary of State for India in Council and to the Corporation, respectively, on the 1st day of April, 1909 and on every succeeding 1st day of April, such interest as aforesaid.

Provided that—

(i) the Government of India or the Corporation respectively may, if they think fit, defer the date for the commencement of the accrual of interest payable by the Board under this section in respect of any portion of the lands specified in Schedule C or in Schedule D in respect of which the Board shall not, on 1st April, 1908, have entered into any building lease or agreement for such lease, until such date (to be not later than the date of any such lease or agreement for such lease entered into by the Board in respect of such portion) as Government or the Corporation, respectively, may determine;

(ii) save as provided in section 79 (*3*) (*b*) (ii) no interest shall be chargeable upon the value (to be determined in the manner laid down in section 66 for determining the value of land appropriated to forming streets) of any land which shall have been appropriated as an open space under section 65 in execution of any scheme;

(iii) upon any reduction being made in the capital debt due to the Secretary of State for India in Council, or to the Corporation, as the case may be, the interest payable by the Board under this section shall be reduced in proportion to such reduction of capital debt as from the date thereof.

(*2*) On the amount of the value referred to in section 67 (*1*) (*b*) no interest save as provided in section 79 (*3*) (*b*) (ii) shall be payable.

(*3*) On the amount of the value referred to in section 67 (*1*) (*c*) the Board shall pay to the Secretary of State for India in Council interest at the rate of

3 per centum per annum from such date not being less than ten years subsequent to the date of sanction to the appropriation as Government shall determine.

Capital debt due to Secretary of State to include certain expenditure incurred by Government and the preliminary expenses of the Act.

69. (*1*) The capital debt due to the Secretary of State for India in Council includes such expenditure as may have been incurred by the Secretary of State for India from the 1st August, 1896, till the date which shall be notified under section 10 in laying out the land in Schedule C referred to as the Chaupati Estate, or in laying water pipes for protection against fire on the land in the said schedule referred to as the Cotton Green Plot, and such preliminary expenditure as may, with the sanction of Government, have been incurred for the purposes of this Act previous to the date which shall be notified as aforesaid.

(*2*) On account of the aforesaid expenditure interest shall begin to accrue on (but not before) the date which shall be notified under section 10, at the rate of 3½ per centum per annum, and the Board shall repay the aforesaid sums together with such interest as aforesaid, so soon as the Board shall have raised a loan for the purposes of this Act as hereinbefore provided.

The Board to have free enjoyment of rents and profits from reclaimed areas for first twenty years and thereafter pay interest on market-value minus the cost of reclamation.

70. (*1*) For twenty years from the date of the first lease of any portion of the area comprised in any reclamation scheme, the Board shall have the free enjoyment of all rents and profits derivable from such area, exclusive of rates on goods landed on or shipped from the foreshore.

(*2*) Thereafter the Board shall pay annually on the 1st April to the Secretary of State for India in Council three per centum on the amount determined by deducting from the market-value of the reclaimed areas the cost of effecting their reclamation.

Definition of term "market-value" and "cost of reclamation" for purposes of last preceding section.

71. For the purposes of the last preceding section—

(*1*) "market-value" shall be deemed to mean the market-value, as determined by the Collector at the time the first payment for interest falls due as the fair freehold value for building purposes of the areas reclaimed: provided that areas occupied by roads, wharves and rides, and any area along the sea front the reservation of which as an open space is necessary for protective purposes, and any land which may have been taken possession of by Government under section 61 (*3*) shall be excluded in determining such value: an appeal shall lie from the determation of the Collector under this sub-section to the Tribunal;

(*2*) "The cost of effecting their reclamation" shall be deemed to mean the total cost of executing the schemes in which the areas are comprised, including the cost of preliminary expenses and an allowance

for supervision and interest and sinking fund charges during construction, which shall be calculated up to the date of completion of each scheme.

CHAPTER VI.

REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

Amount of the payment to be made by the Commissioner to the Board on the first day of April.

72. (*1*) The Commissioner shall pay from the Municipal Fund to the Board on the 1st day of April, 1900, and every succeeding 1st day of April a lump sum not exceeding 2 per centum on the total rateable value of all buildings and lands in the City exclusive of buildings referred to in section 143 (*1*) (*a*) of the [1]Municipal Act. Bom. III of 1888.

(*2*) For the purposes of this section the rateable value of the buildings and lands in the city vesting in the Secretary of State for India in Council and those vesting in the Trustees of the Port of Bombay shall be eight-tenths and nine-tenths respectively of the rateable value thereof as fixed under the respective provisions of sections 144 and 145 of the [1]Municipal Act. Bom. III of 1888.

Definition of terms used in this section

73. (*1*) For the purposes of this section—

"The property taxes."

(*a*) "the property taxes" shall be deemed to be the property taxes leviable under section 140 of the [1]Municipal Act, exclusive of the water tax and the supplementary general tax for fire brigade purposes and exclusive of the rate determining the amount of the lump sum payable under the last preceding section; Bom. III of 1888.

"The areas"

(*b*) "the areas" shall be deemed to include—

(i) areas specified in Schedules C and D;

(ii) areas at any time acquired by the Board under an improvement or street scheme, or which are situate wholly or partially within the limits described in the latter part of section 28 (*2*) (*f*);

(iii) areas reclaimed by the Board under a reclamation scheme:

"Enhancement of rateable value."

(*c*) "enhancement of rateable value" shall be deemed to be the rateable value of the buildings and lands from time to time comprised in the areas, *less*—

(i) in the case of buildings and lands which were comprised in areas referred to in sub-clause (*b*) (i) at the date of the passing of this Act, their rateable value at such date;

1 Vol. III of this Code, p. 975.

(ii) in the case of buildings and lands which were comprised in areas referred to in sub-clauses (*b*) (ii) and (*b*) (iii) at the date of publication of a notification under section 27, 32 or 35, relating to such buildings or lands, their rateable value at such last-mentioned date;

(*d*) "diminution of rateable value" shall be deemed to be the converse of "enhancement of rateable value" as above defined. "Diminution of rateable value."

(2) The Board shall, so soon as may be after the 1st day of April, 1900, and every succeeding 1st day of April, cause to be prepared and furnished to the Commissioner a statement showing— Determination of the amount of the payment to be made by the Commissioner to the Board or by the Board to the Commissioner, as the case may be.

(*a*) to the credit of the Board—

such increase, if any, in the amount of the property taxes from time to time leviable upon buildings and lands comprised in the areas as may be due to enhancement in rateable value:

(*b*) to the debit of the Board—

(i) such decrease, if any, in the amount of the property taxes from time to time leviable upon buildings and lands comprised in the areas as may be due to diminution of rateable value: Provided that there shall be no debt on this account until after the expiration of the official year ending the 31st day of March, 1904;

(ii) the cost of collecting the receipts referred to in this section, to be calculated according to the actual percentage cost of collecting the property taxes of the City during the said year;

(iii) the cost of maintaining, watering and cleansing streets vested in the Corporation under the provisions of section 45, such cost to be determined by applying to the area of such streets the rate shown in the Municipal accounts of the said year as the average rate of the cost of maintaining, lighting, watering and cleansing public streets in the City, *less* any rents received by the Corporation from the Tramway Company in respect of such streets;

(iv) the cost of maintaining and cleansing drains and drainage works and public latrines, urinals and similar conveniences and of performing the other duties of the Corporation referred to in clauses (*c*) and (*p*) of section 61 of the [1] Municipal Act, in respect of the buildings and lands comprised in the

Bom. III of 1888.

[1] Vol. III of this Code, p. 975.

areas, such cost not to exceed on the one hand the actual cost incurred by the Corporation in performing such duties, or on the other hand such portion of the property taxes credited to the Board under sub-section (*2*) (*a*) as may be leviable under section 140 (*b*) of the [1] Municipal Act. Bom. III of 1888.

Adjustment of difference between credit and debits.

(*3*) The difference between the credit and the debits shown in the statement referred to in the last preceding sub-section shall be adjusted by a payment on the 1st of December of each year by the Commissioner to the Board or by the Board to the Commissioner, as the case may be, and any dispute between the Board and the Commissioner as to the matters dealt with in that sub-section shall be determined by the Tribunal.

Payments by Government.

Government to pay to the Board the profits from certain lands realised subsequently to August, 1897.

74. Government shall pay to the Board, for a period of 99 years from the date which shall be notified under section 10, all rents and profits derived by Government from the lands specified or referred to in Schedule F subsequent to the 31st August, 1897.

Division of Accounts.

Cost of management for certain period to be charged to Capital after apportioned between Capital and Revenue.

75. (*1*) During the period of fifteen years from the date which shall be notified under section 10, or during such extended period as the Government of India may approve, the cost of management, including the salaries and allowances of the Chairman, Acting Chairman, Trustees and scheduled staff, and the expenses mentioned in section 48 (*9*), and all incidental expenses, shall be charged to capital.

Thereafter such charges shall be apportioned between Capital and Revenue in such proportion as the Board, subject to the approval of Government shall determine.

Capital account to show expenditure on each scheme and on the improvement of lands specified in Schedule C and in Schedule D and

(*2*) The Capital account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Board on each scheme separately, and shall also distinguish between the expenditure incurred on—

(*a*) the improvement of lands vested in the Board and specified in Schedule C;

(*b*) the improvement of lands vested in the Board and specified in Schedule D;

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(*c*) the reclamation of any areas situate within the limits specified in Schedule E. on reclamations separately.

76. All receipts by the Board, including the sums received under sections 72, 73 and 74, and the rents and all other proceeds other than sale-proceeds of lands or buildings vested or vesting in the Board under this Act, shall be carried to the credit of the General account. All receipts by the Board to be credited to the General account.

77. (*1*) The moneys credited to the General account shall be held by the Board in trust and, except as hereinafter provided, shall be applied by them in payment of the following charges (namely) — Charges to which moneys credited to the General account shall be applied.

(*a*) all payments for interest and sinking fund charges due under sections 52 to 56 (both inclusive) and all payments for interest charges due under sections 68 and 70;

(*b*) the cost, if any, of maintaining a separate establishment for the collection of the rents and other proceeds of lands vested or vesting in the Board under this Act;

(*c*) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes,

(*d*) the amount of the cost of management apportioned to Revenue by the Board as provided by section 75; and

(*e*) all payments made by the Board in respect of rates and taxes levied under the [1] Municipal Act upon lands and buildings vested in the Board. Bom. III of 1888.

(*2*) The Board shall have power to advance any sums standing to the credit of the General account to meet current Capital expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced. Power to advance sums standing to the credit of the General account to meet current capital expenditure.

78. The General account shall distinguish between all items included in the General account according as such items are in respect of— The General account to distinguish between items in respect of lands specified in Schedule C and in Schedule D and reclamations.

(*1*) lands vested in the Board and specified in Schedule C;

(*2*) lands vested in the Board and specified in Schedule D;

(*3*) the reclamation of any areas situate within the limits specified in Schedule E;

(*4*) other lands and buildings vesting in the Board.

Disposal of balances.

79. (*1*) Subject to the proviso hereinafter appearing, any credit balance Credit

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balances to be applied to meet current capital expenditure or to the reduction of debt on account of loans.

which the General account shall disclose at the end of any year shall be applied in the manner provided under section 64 for the application of the proceeds of sales of land vested or vesting in the Board under this Act.

Debit balances to be charged to Capital.

(2) Any debit balance which the General account shall disclose at the end of any year shall be debited to Capital and met by the amount of such debit balance being included in the next loan to be raised under the provisions of sections 52 to 54 (both inclusive), provided that the aggregate of the amounts which may under this section be debited to Capital shall not exceed 15 per centum on the aggregate capital debt of the Board.

Proviso as to the division of profits after the tenth year.

(3) Provided that all such debit and credit balances shall be entered in a separate account, and whenever and as often as subsequent to the completion of the tenth official year after the date which shall be notified under section 10, such account made up to the end of the previous official year shall disclose a net credit balance, such net credit balance shall be applied as follows :—

(*a*) if it does not exceed the aggregate amount paid by the Commissioner to the Board during that year under sections 72 and 73, such balance shall be paid to the Corporation ;

(*b*) if it exceed the aggregate amount paid by the Commissioner to the Board as aforesaid, such balance shall be applied—

(*i*) firstly, in payment to the Corporation of a sum equivalent to the aggregate amount paid by the Commissioner to the Board as aforesaid ;

(*ii*) secondly, in or towards payment to the Secretary of State for India in Council of a sum which, if paid annually and invested at 3 per centum, would in 60 years from the date to the first of such payments liquidate the capital debt due by the Board on account of the value, as determined under section 67 and proviso (*ii*) to sub-section (*1*) of section 68, of any land specified in Schedule C, which may have been appropriated as an open space ;

(*iii*) thirdly, as profits to Government and the Corporation in equal shares. Provided, however, that the sum payable to Government under this sub-clause shall not, in any case

exceed half the total net profits from rents realised by the Board during that year, in respect of the lands vested in the Board and specified in Schedule C and the reclamation of any areas situate within the limits specified in Schedule E, and where Government are under this proviso to receive less than half the amount of the said profits, the whole of the balance of such profits shall be paid to the Corporation.

Guarantee for fulfilment of Liabilities.

Procedure in event of default being made by the Board in payment of interest or investment of sinking fund charges.

80. In the event of any default being made by the Board in any payment of interest due by the Board under sections 52 and 54, or in any payment due by the Board under section 67 to the Secretary of State for India in Council or to the Corporation respectively, or in the event of the Board failing to pay or to set aside and invest any sum as required under section 55, the Accountant General of Bombay, or other officer for the time being performing the duties of the office of the said Accountant General, shall make such payment, or set aside and invest such sum as may be required to be paid or to be set aside and invested as aforesaid, and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General the amount of such payment made or the sum so set aside and invested by the said Accountant General as aforesaid, and thereupon the Corporation may levy any such special tax as may be approved by Government in this behalf and as may be sufficient to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid.

Such special tax shall be in addition to the taxes from time to time leviable under the [1]Municipal Act.

Bom. III of 1888.

Procedure in event of Commissioner failing to make payment as required by last preceding section.

81. (*1*) If the Commissioner fails to make payment as required in section 72, 73 or the last preceding section, Government may attach the Municipal Fund or any tax leviable by the Corporation, and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 of the [1]Municipal Act shall, with all necessary modifications, be deemed to apply to such attachment, and Government may further require the Corporation to levy a special tax as provided in the last preceding section.

Bom. III of 1888.

(*2*) Any moneys paid by the Commissioner under the last preceding section or payable under the said section and levied under this section shall constitute a charge upon the property of the Board prior to any division of profits.

Government to

82. In the event of the Board making any default in payment, or failing

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to set aside and reinvest as aforesaid as contemplated in section 80, Government may attach the rents and other income of the Board, and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 of the [1]Municipal Act shall, with all necessary modifications, be deemed to apply to such attachment. Bom. III of 1888.

have power to attach revenues of the Board in the event of default in payment of liabilities.

Annual Estimates

Chairman to frame an annual estimate of income and expenditure.

83. (*1*) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

(*2*) Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

The Board to sanction or amend such estimates.

84. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

Estimates to be submitted to Government for sanction.

85. The estimate, as sanctioned by the Board, shall be submitted to Government, who may, if they think fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall re-submit the estimate so amended to Government. A copy of the estimate shall be sent to the President of the Corporation.

Transitory provision for submission and treatment of first estimates after date of constitution of the Board.

86. A special meeting of the Board shall be held so soon after the date which shall be notified under section 10, as may be expedient, and the Chairman shall at such special meeting lay before the Board an estimate for such part of the official year as may at the date aforesaid remain unexpired, and such estimate shall thereupon be dealt with in the manner prescribed in the three last preceding sections.

Supplementary estimates may be prepared and sub-

87. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to Government and a copy shall

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be sent to the President of the Corporation in the same manner as if it were an original annual estimate. mitted when necessary.

88. (*1*) Save in cases of pressing emergency no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government, or is included in the amount payable by the Board under a decree of the High Court of Bombay or an award of the Tribunal. No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

(*2*) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

89. (*1*) The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government. Accounts to be audited and examined by Government auditors twice in every year.

(*2*) For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same. Auditors may require production of documents.

(*3*) The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General account; and within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette*. A copy of the Auditors' report and of the abstract of the accounts shall be sent to the President of the Corporation. Their remuneration to be fixed by Government. Their report together with an abstract of the accounts to be published in the *Government Gazette*.

CHAPTER VII.

Of the Officers and Servants of the Board.

Strength of Staff.

90. The Board shall from time to time prepare and sanction a schedule of Schedule

of the officers and servants and their pay and allowances to be sanctioned by the Board.

the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant:

Certain classes not to be deemed officers and servants except for certain purposes.

Provided always that artisans, porters and labourers, and muccadums of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section or of the next succeeding section (except sub-sections (*5*), (*6*) and (*7*) thereof) or section 92.

The Board to frame regulations for:—

91. The Board shall from time to time frame regulations—

Regulating grant of leave.

(*1*) for regulating the grant of leave to the officers and servants of the Board;

Authorizing payment of leave allowances.

(*2*) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

Determining amount of acting allowances.

(*3*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

Regulating period of service.

(*4*) for regulating the period of service of all such officers and servants;

Determining condition of grant of allowances.

(*5*) for determining the conditions under which such officers and servants, or any of them, shall on retirement receive gratuities or compassionate allowances, and the amount of such gratuities or compassionate allowances:

Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid;

Authorizing contributions to Provident Fund.

(*6*) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants;

Determining conditions of

(*7*) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any such officers and servants.

injured, or to the surviving relatives of any such officers and servants killed, in the execution of their duty. grant of wound pensions or compassionate allowances.

Powers of Appointment, etc.

92. (*1*) Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the Board under section 90, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Board. Appointments, etc., by whom to be made.

(*2*) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

93. (*1*) Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to the Secretary or Engineer, or Chief Accountant of the Board, be subject to the previous sanction of Government. Orders affecting pay, etc., of certain officer to be subject to the sanction of Government.

(*2*) In this section the word "Engineer" means the engineer of highest grade on the Board's ordinary staff, and also any superior officer who may from time to time be employed in the capacity of Consulting Engineer to the Board. "Engineer" defined.

CHAPTER VIII.

By-Laws.

94. (*1*) The Board may from time to time make by-laws— The Board empowered to make by-laws.

(*a*) for regulating the delegation of the powers and duties of the Board to committees;

(*b*) for the guidance of persons employed by them under this Act;

(*c*) for the [1] management and use of the lands vested in the Board under section 60 (*2*), (*3*) and (*4*);

(*d*) for fixing the maximum amount of fees payable to any Trustee under section 17;

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[1] For by-laws issued under ss. 94 (c) and 95, *see* Bombay Government Gazette, 1900, Pt. I, p. 2466.

(*e*) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme ;

(*f*) generally for carrying out the purposes of this Act.

(*2*) The Board may also from time to time vary, alter or revoke any such by-laws to be made by them.

Approval and publication of by-laws.

95. (*1*) No by-law or alteration or revocation of a by-law shall have effect until the same shall have been approved by Government, and such approval shall have been [1]published in the *Bombay Government Gazette* ; and no by-law or alteration or revocation of a by-law shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.

(*2*) It shall be lawful for Government at any time by notification in the said Gazette to cancel any by-law or regulation made and published under the provisions of this and of the last two preceding sections.

Penalties for infringement of by-laws.

96. The Board may, in the by-laws made under section 94, prescribe such penalties as they shall deem fit for the infringement of the same : Provided that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

By-laws to be exhibited.

97. The Board shall cause the said by-laws to be printed in the English, Marathi and Gujarati languages, and to be hung up at convenient places.

CHAPTER IX.

PENALTIES.

For being interested in contracts with the Board.

98. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the [2]Indian Penal Code : XLV of 1860.

Provided that nothing in this section shall apply to a person who is declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by sub-section (*2*) of section 14.

For obtaining illegal gratification.

99. Any person employed under this Act, not being a public servant within the meaning of section 21 of the [2]Indian Penal Code who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remunera- XLV of 1860.

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1 For by-laws issued under ss. 94 (*c*) and 95, *see* Bombay Government Gazette, 1900, Pt. I, p. 2466.

2 *See* Act 45 of 1860, as modified up to 1st April, 1903.

tion, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person, with the Board or with any public servant as such, or with Government, shall be liable to the same punishment as is provided by the [1]Indian Penal Code in the case of the like offence committed by a public servant.

XLV of 1860.

For refusing or neglecting to appear before an auditor of accounts, etc.

100. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 89 (*2*), shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

Cognizance of offences against this Act.

101. All offences against this Act or against any by-law made under section 94 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender shall be paid to the Board.

CHAPTER X.

MISCELLANEOUS.

Provision when day appointed for any purpose is a Sunday or public holiday.

102. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

Measurement of distances.

103. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

Limitation of suits.

104. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

SCHEDULE A.

(SEE SECTION 47.)

I of 1894.

Portions of the [2]Land Acquisition Act, 1894, *regulating the acquisition of lands under this Act.*

PART I.—Preliminary, except clauses (*d*), (*e*) and (*f*) of section 3.

1 *See* Act 45 of 1860, as modified up to 1st April, 1903.
2 General Acts, Vol. VI.

(*Schedule B.*)

PART II.—Acquisition, except sub-section (*1*) of section 4, section 6, and sub-section (*2*) of section 17.

PART III.—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (*6*) and (*7*) of section 24.

PART IV.—Apportionment of Compensation.

PART V.—Payment.

PART VI.—Temporary occupation of land.

PART VII.—Miscellaneous, except section 54.

SCHEDULE B.

(SEE SECTION 58.)

Form of Debenture.

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The 18

By virtue of Act No. IV of 1898 of the Council of the Governor of Bombay for making Laws and Regulations, entitled "The City of Bombay Improvement Act, 1898," we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of rupees paid to us by A. B. of , promise to pay to the said , or order, the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of

Given under our common seal this day of 189 .

Common Seal.

(Signatures of the Chairman and two Trustees.)

(Schedule C.)

SCHEDULE C.

Showing lands the property of Her Majesty vested in the Board.

(SEE SECTION 60.)

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount..	REMARKS.
1	2	3	4	5	6	7
			The Flats. (*Deposited Plan A.*)	Sq. yds.	Rs.	
1 (*a*) to (*n*) inclusive	...	1/2725 3400, 3401, 3389, and others.	Comprising the portions of vacant land vested in Her Majesty and lying within the area bounded on the *north* by the road running from the Parel Station on the Great Indian Peninsula Railway to Worli Village; on the *south* partly by Mahálaxmi and partly by Bellasis Road; on the *east* by the Bombay, Baroda and Central India Railway; and on the *west* by the sea	...	...	No charge against the Capital debt of the Board is made in respect of this plot.
			The Kennedy Sea Face. (*Deposited Plan B.*)			
2	...	8426	(*a*) Bounded on the *north* by the road leading to the Charni Road level-crossing; on the *south* by the northern boundary of Church Gate Street Station; on the *east* by the Bombay, Baroda and Central India Railway; and on the *west* by the sea	335,212	...	Average value for purposes of section 67 save in respect of any portion of this area now used as a ride and foot-path, and so long as it continues to be so used—(*a*) in event of appropriation as open space. Rs. 5 per square yard; (*b*) in event of appropriation to building purposes, Rs. 10 per square yard.
			(*b*) Bounded on the *north* by the south side of Church Gate Street; on the *south* by the west slope of the south approach to the Wodehouse bridge; on the *east* by the Bombay, Baroda and Central India Railway; and on the *west* by the sea	83,821	...	

(*Schedule C.*)

SCHEDULE C—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			The Cooperage Plot.			
			(*Deposited Plan C.*)			
3	..	9563	Bounded on the *north* by the Band-stand Circle ; on the *south* by Wode-house Road ; on the *east* by a line drawn in prolongation southwards of the west side of Mayo Road ; and on the *west* by the Queen's Parade Road	66,178	..	Average value for purposes of section 67, Rs. 10 per square yard.
			The Secretariat Plot.			
			(*Deposited Plan C.*)			
4	..	8434	Bounded on the *north* by the Elphinstone College and New Secretariat ; on the *south* and *west* by the Mayo Road ; and on the *east* by Hornby Road ..	17,700	..	Average value for purposes of section 67, Rs. 25 per square yard.
			The Marine Lines Estate.			
			(*Deposited Plan D.*)			
5	..	8452, 8453	Bounded on the *north* partly by the south side of the compound of Government bungalow No. 41 and partly by the south boundary of Plot "C" reserved for Military purposes by Government Resolution No. 2 C. W.-4, dated 3rd January 1881 ; on the *south* by Church Gate Street ; on the *east* by the Esplanade and Mayo Roads ; and on the *west* by the Marine Lines Road (Marine Street)	122,163	12,21,630	

SCHEDULE C—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			The Wellington Lines Plot. (*Deposited Plan C.*)			
6	..	9562, 9563	Bounded on the *north* by Mayo Road; on the *south* by Wodehouse Road; on the *east* by Hornby Road; and on the *west* by a line drawn in prolongation southwards of the west side of Mayo Road, being the east boundary of the plot described under item 3 of this Schedule	42,394	4,23,940	
			The Wodehouse Road Plot. (*Deposited Plan C.*)			
7	..	9561	Lying between the Wodehouse Road and the Colába Causeway Roads and extending from the junction of these roads on the *north* to the boundaries of the Bombay and Baroda Railway and Great Indian Peninsula sidings and the Tramway Company's premises on the *south*, but *excluding* the site occupied by the Elphinstone College Students' quarters ..	55,625	5,56,250	
			The Cotton Green Plot. (*Deposited Plan C.*)			
8	..	9561	The triangular plot bounded on the *north* by the Bombay and Baroda Railway premises; on the *south* by private land; and on the *east* by the Colába Causeway ..	13,105	1,31,050	

SCHEDULE C—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	Remarks
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			The Saluting Battery Plot.			
			(*Deposited Plan C.*)			
9	—	—	Bounded on the *north* by the Apollo Bandar Road; on the *south* by Lansdowne Road; on the *east* by Battery Street; and on the *west* by the Colába Causeway ..	5,600	2,80,000	
			The Crescent Site.			
			(*Deposited Plan C.*)			
10	—	8433	The semi-circular plot opposite the Sailors' Home and Elphinstone College, bounded on the *north* by Rampart Row	31,957	7,98,925	
			The Plot south of Old Town Barracks.			
			(*Deposited Plan D.*)			
11	..	9309	Bounded on the *north* by the Town Barracks occupied as Commissariat and Pay Offices; on the *south* and *east* by Mint Road; and on the *west* by Bazár Gate Street ..	2,166	64,980	
			The Hornby Road Plot.			
			(*Deposited Plan E.*)			
12	..	8463, 8464	Lying between Waudby and Hornby Roads and extending from the junction of those roads; on the *north* opposite the Victoria Terminus to the junction of the Esplanade and Hornby Roads; on the *south* opposite the Frere Fountain, but *excluding* areas already leased and the sites occupied by— The John Connon High School,			

(Schedule C)

SCHEDULE C—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			The Hornby Road Plot—contd.			
			(*Deposited Plan E*)—contd.			
			The Frere Fletcher School,			
			Alexandra Native Girls' English Institution,			
			The Telegraph Signallers' Quarters,			
			The Cathodral Boys' High School,			
			The Cathedral Girls' High School,			
			The Cathedral Chaplain's Quarters,			
			Fort Gratuitous Dispensary,			
			and *including* the site of the Government Mews and Engineers' Stores, subject to the right of Government to the unrestricted use of those premises pending their removal at the cost of the Board to another site to be approved of by Government—the plot vested in the Board comprising—			
			Vacant areas	71,051	14,21,020	
			The Triangular Plot south of Crawford Market.			
			(*Deposited Plan D.*)			
13	..	8474	Bounded on the *south* by the Crawford Market; on the *east* by Palton Road; and on the *west* by Hornby Road	9,569	1,91,380	

(Schedule C.)

SCHEDULE C—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			The Dispensary Plot.			
			(Deposited Plan D.)			
14	..	8478	Bounded on the *north* by the Jaffer Suleman Dispensary; on the *south* by Salvation Army premises; on the *east* by the Great Indian Peninsula Railway; and on the *west* by Hornby Road —	1,642	33,840	
			The Plot north of Municipal Office.			
			(Deposited Plan D.)			
15	—	8473	Bounded on the *north* by a public road; on the *south* by a private road; on the *east* by Hornby Road; and on the *west* by land leased to the Corporation ..	6,600	1,98,000	
			The Chaupáti Estate.			
			(Deposited Plan F.)			
16	..	7298	(1) Bounded on the *north* partly by a public passage leading to Gibbs' Road and partly by private properties (Survey Nos 7299—7302); on the *south* partly by the Queen's Road, partly by the plot reserved for Body Guard Lines and partly by the Sirri Road; on the *east* by the Gamdevi Road; and on the *west* by an irregular line extending from where the public passage forming the north boundary meets the Gibbs' Road to the Sirri Road:—			
			(*a*) Land forming the Hill slope	52,675	..	
			(*b*) Building land... ..	82,473	8,24,730	

(*Schedule C.*)

SCHEDULE C—*concluded.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			The Chaupáti Estate—contd.			
			(*Deposited Plan F*)—contd.			
		7306	(2) Bounded on the *north* by private property; on the *south* by the Chaupáti Road; and *east* and *west* by private property ..	7,150	71,500	
			The Police Lines Plot, Dádar.			
			(*Deposited Plan G.*)			
17	..	1262 1A-4 1263	Bounded on the *north* and *east* by private lands; on the *south* by the Dádar Road; and on the *west* by the Great Indian Peninsula Railway	5,234	52,340	
			(*Deposited Plan H.*)			
18	..	2486 2487 37 8 101 61 50	The Parel Estate .. .. Subject to the right of Government to remove the materials of the buildings forming the Body Guard Lines and the Bandsmen's Quarters, provided such right is exercised within 12 months from the date which shall be notified under section 10.	339,469	9,91,407	
			Total Amount Rs.	..	72,60,992	

SCHEDULE D.

(SEE SECTION 60.)

Showing lands the property of the Corporation vested in the Board.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CONNAUGHT ROAD ESTATE.				
			(*Deposited Plan I.*)				
			Ward E.				
1	....	....	Plot bounded on the *north* by vacant land, on the *south* by by Sussex Road, on the *east* by private property, and on the *west* by the Parel Road—				
			Plots A, B and C ...	1,169	...	10,521	...
			Plots E, F, G and H	1,528	...	7,640	...
			Area reserved for road ...	1,296	...	6,480	...
			Plots I, K, L and M. ...	2,817	...	14,085	...
B	....	....	Plot marked B ..	10,002	...	50,010	...
2	....	....	Plot bounded on the *north* by Sussex Road, on the *south* by lands sold to private persons fronting the Connaught Road, on the *east* by land sold to Mr. Tyebally Mohamedally, and on the *west* by plots sold to private persons fronting the Parel Road—				
			Plots Nos. 6 to 16 inclusive	4,263	...	25,578	...
3	....	....	Plot bounded on the *north* by vacant land, on the *south* by the Connaught Road, on the *east* by the Ghurapdeo Road, and on the *west* by the Sussex Road—				
			Plots Nos. 1 to 40 inclusive	15,752	...	78,760	
			Total Connaught Road Estate		36,827		1,93,074

(*Schedule D.*)

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of plot.	Area.	Total Area.	Value. Amount	Value. Total Amount.
1	2	3	4	5	6	7	8
			THE AGRIPADA ESTATE. (*Deposited Plans J. and K.*) *Ward D.*	Sq. yds.	Sq yds.	Rs.	Rs
4	3880 (1)	3410	Arthur Road ..	7,750	...	25,188	...
5	3879	3409	Do. ..	6,996	...	17,490	...
6	4257 (5)	1/3516		2,752	...	6,880	...
7	7203 to 7206	1/3455, 1/3456		8,975	...	26,925	...
8	4544, 4547; 4548, 4264	3483		2,468	...	9,255	...
9	4520, 4535; 4543, 4263	1 A/3484		2,306	...	13,000	...
10	4567	3485		17,740	...	62,090	...
11	4268	1/3481		1,740	...	6,090	...
12	4257 (2), 4352, 4353, 4270	1 A. 1 B. 1 C. 1 D./3485; 1 A. B. 1 A. C. 4./3486; 1 A. to 1 F./3847; 1-2 3-5/3528	Agripada ..	10,560	...	44,893	...
13	4097 to 4099	1/3506, 1-3/3527, 3525		*57,708	...	173,124	...
14	4430 (1)	1-2 3 & 5/3529, 1/3505		*245,107	...	7,35,321	
15	4457·59	1/3533	Ripon Road ..	19,297	...	69,469	...
16	4066·67	1 e/3508	Arthur Road ..	*7,704	...	27,966	...
17	4072·74	1/3531	Ripon Road ..	5,908	...	17,724	...
18	4566	2 A/3487, 1/3486, 4/3482	Haines Road ..	6,393	...	27,170	...
C	— — —	— — —	Agripada ...	2,690	...	5,380	...
D	— — —	— — —	DeLisle Road .	5,196	...	24,072	...
E	— — —	— — —	Arthur Road ..	*1,525	...	6,100	...
			Total Agripada Estate ..		41,281		12,98,137

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA. *Deposited Plan L. Ward F.*				
19	7804	809		*3,558	...	3,558	...
	7781	P 16 / 926					
	P / 7780	P 17 / 926					
	P / 7779	P 18 / 926					
	P / 7778	P 19 / 926					
20	P / 7797	P 2 / 927		*3,791	...	5,687	...
	P / 7773	P 1 / 924					
	P / 7772	P 2 / 924					
	P / 7767	P 6 / 924					
21	7770	4 A / 924					
22	7800	W 1 / 928	New Dádar-Mátunga Road.	*48	...		
23		W 1 / 928		*313	...		
24	P / 769, P / 7784 (1)	P 81 / 95 — P 13 / 96		95	...		
25	7782, P / 7783	P 14 — W 15 / 626		*1,256	...		
26	7760	W 4 / 924		*858	...		
27	7768	W 5 / 924		*652	...	5,465	...
28	7730	W 58 / 925		*411	...		
29	7733, 7735	W 51 & 55 / 925		*800	...		
	P / 7700	W 1, 2 / 925		*110	...		
30	P / 7735	W 51 A / 925		*761	...		
31	7736	W 52 / 925		*777	...		

(*Schedule D.*)

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5		7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*continued.*				
			Ward F—contd.				
32	7731	W 54 / 925		*145	...		
33	P / 7729	P 80 / 925		*853	...		
34	7707	P 80 / 925		167	...		
35	P / 7707	P 80 / 925		*238	...		
36	7728	W 80 A / 92.		153	...		
37	P / 7725	P 79 / 925		47	...		
38	*Nil.*	925		*560	...		
39	7430	W 4 / 862		*22	...		
40	7429	W 5 / 862		*285	...		
41	7417, 7422	W 1 & 2 A / 863	New Dádar-Mátunga Road.	475	...	12,279	...
42	7399	W 3 / 871		683	...		
43	7405	W 1 / 869		*384	...		
44	7406	W 2 / 869		*299	...		
45	7412	W 1 / 866		*2,798	...		
46	7404	W 1 / 870		*265	...		
47	7402	W 3 / 870		*266	...		
48	7407	W 5 / 870		*591	...		
49	7403	W 2 / 870		*530	...		
50	7408	W 4 / 870		651	...		
51	P / 7131	P 1 / 872		*6,766	...		
52	7030	872		*395	...		

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount	Value. Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MATUNGA—*continued.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
53	7031, 7032	P 1 & 2 W / 872					
	7037	W 9 / 877		*6,342	...	22,504	...
54	7389	W 1 A / 874					
	7390	W 1 / 873		*3,139	...		
	7391	W 2 / 873					
55	..	W 3 / 873		86			
56	7045	W 1 / 877		95			
57	7042	W 4 / 877		*53	...		
58	7044	W 2 / 877		*1,098	...	15,356	...
59	7043	W 3 / 877		*1,788	...		
60	7049	W 1 / 906		*4,119	...		
61	7050	W 2 / 906	New Dádar-Mátunga Road.				
62	7051, 7056	W 1 & 2 / 905		*2,084	...		
63	7054			357	...		
64	7055, 7052	W 3, 4 & 5 / 905		*2,491	...		
65	P / 6835	P 4 / 1109		*21,542	...		
66	7130	W 4 / 1111		*371	...		
67	7131	W 5 / 1111		*476	...		
68	P / 7121, 7122	P 1, W 2 / 1114		*2,162	...	54,334	...
69	7289	W 1 / 1143		*503	...		
70	7162	W 1 / 1173		*109	...		
71	7161	W 2 / 1173		108	...		
72	7163	W / 1172		*2,185			

(*Schedule D.*)

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MÁTUNGA—*continued.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
73	6824	1238		*183	...		
74	P / 6823	P1 W2 / 1238 1237		*6,161	...		
75	6825	W 1 / 1239		961	...		
76	6783	W 7 / 1242		415	...		
77	6789	W 2 / 1242		*3,453	...	13,423	...
	6818, 6819	W 3, W 4 / 1236					
78	P / 6791	P 1 / 1235		*8,877	...		
79	6794, 6797	W 2, W 5 / 1233		*847	...		
80	6799	W 7 / 1233		*1,118	...		
81	P / 6449, 6450	P 2 / 1195		*1,035	...		
82	6635	7 / 1206		*762	...	6,564	...
83	6636 to 6639	W 2, 3, 4, 5 / 1206		*391	...		
84	P / 6814	P 2 / 1232	New Dádar-Mátunga Road.	*2,948	...	5,159	...
	6813	W 3 / 1232					
	6624	W 1 / 1209					
	P / 6623	P 2 / 120					
	P / 6634	P 7 A / 1206					
	6633	8 / 1206					
	6452	1 / 1195					
85	6640, 6632	W 1-9 / 1206		*1,156	...	1,445	...
86	P / 6454	P 1 / 1194		*1,066	...	2,065	...
87	P / *797 (2) 829 (2), 830 & 798	P 1 / 2089		*2,823	...	24,344	...
88	6591	10 / 1213		*3,363	...		

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MÁTUNGA—*continued.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
89	765	P 1 2080		12,175	...	23,233	...
	766	W 2 2080			.		
90	766	P 3 2030		...	...		
91	763	P 1 2024		*4,420	...		
92	P 775 (1)	P 1 2026		*1,123	...	1,123	...
93	P 775 (2)	P 1 A 2026		8,376	...	4,188	...
	743 (1) 743 (3A)	P 1 2031					
	744	A 2030					
94				*1,367	...	16,094	...
95							
96	P	P 1		*948	...		
97	742	2035					
98			New Dádar-Mátunga Road.	*813	...		
99	P 742	P 2 2035		*1,204	...	5,418	...
100	P 667	P 1 2036		*717	...	2,151	...
101	6800	12 1232		606	...	1,142	...
102	6802	W 10 1232		536	....		
103	7109	W 1119		679	...	610	...
104	7112	W 2 1717		338	...		
105	778	2 2027		*500	...	500	...
106	777	1 2027		*610	...	610	...
107	776, 779	3-4 2027		*2,114	...	2,114	...
108	769	2 2028		*767	...	767	...
109	770	1 2028		*3,325	...	3,325	...

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MÁTUNGA—*continued.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
110	7401, 7400	5, 1-2 / 871	New Dádar-Mátunga Road.	*5,737	...	5,737	...
	7423 to 7428	4, 5, 6, 7, 8, 9 / 863					
	7422	2 A / 863		1,331	...	799	...
111	7327	2 / 1130					
	7249	5 / 1151					
112	7241, 7243	6 / 1152, 4 / 1152		*8,950	...	6,713	...
	7251	3 / 1151					
	7137-38	4-5 / 1174					
113	7288 (1-2), 7287, 1164	2-3 / 1143		*3,627	...	2,720	...
	7288 (1), 7165, 7167	2 / 1143, 2-4 / 1171					
114	7111, 7113	1-3 / 1117		3,723	...	2,234	...
	7118	2 / 1116					
115	7236, 6767	2 / 1153, 1 / 1243		6,712	...	5,034	...
	6684, 6683	3 / 1454, 2 / 1254					
	6741, 6784	5 / 1247, 6 / 1242					
	6678, 6762	4 / 1255, 5 / 1243					
	7319	2 / 1132					
	7244, 7239	3 / 1152, 5 / 1153					
116	6795-96, 6798	3, 4, 6 / 1233		*5,415	...	4,060	...
	6820, 6743	4 / 1237, 3 / 1247					
	6675-76	6-7 / 1255 &					
	6778, 6782	1-5 / 1241					

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MÁTUNGA—*continued.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
117	7318	1/1132		3,804	...	2,282	...
118	7409	868		2,187	...	2,187	...
119	7119, 7116 / 7114	1-4/1116, 4/1117		2,197	...	1,098	...
120	6816	1/1236		*2,283	...	1,641	...
121	7325, 7323	4/1130, 1/1131		3,436	...	2,062	...
122	7107	2/1119		1,037	...	777	...
123	6803 (1)	Western portion of 7A/1232		309	...	232	...
124	6801	11/1232		559	...	419	...
125	6821, 6579 / 6792	3/1237, 1/1233 & 1/1234		2,240	...	1,680	...
126	7125, 7126	1-2/1112 and western portion of 1-2/1110	New Dádar-Mátunga Road.	*3,732	...	2,799	...
127	7804	1/808		*529	...	396	...
128	7242, 7254 / 7172, 6783 / 7269 / 7166 (1) / 7127 (2)	5/1152, 5/1150 / 1/1169, 7/1242 / 1/1148 / 3/1171		6,982	...	5,234	...
129	7160 (2)	Western part of 1111 and northern part of 3/1173		*9,818	...	6,873	...
130	7115, 7108 / 7106, 7104	5/1116, 1/1119 / 5/1119, 3/1119		3,984	...	2,988	...

SCHEDULE D—*continued.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MÁTUNGA—*continued.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
131	7179 (1)	3/1167		*3,023	...	2,267	...
132	7326, 7324	3/1130, 2/1131		3,593	...	2,694	...
133	6642 (1) 6641	The whole of the north portion of 1a/1204, up to 1/1205, 1a/1204		*3,710	...	2,733	...
134	6793	2/1234		*323	...	262	...
135	7771	3/924		660	...	660	...
136	7801, 7802	2-3/928		* 845	...	634	...
37	7053, 7055	5-6/205		*2,566	...	2,566	...
138	6817	2/1236		*1,855	...	1,391	...
139	6679 (1) 6641	3/1255, 1/1205	New Dádar-Mátunga Road.	*3,735	...	...	...
	6651, 6652	2-3/1199 on the east side thereof, also on the					
	6643 (1)	side thereof, etc. 1203					
140	7039	7/877		*576	...	432	...
141	7040, 7041 7038	5, 6/877 & 8/877		883	...	662	...
142	7182(2)	1166		*448	...		
143	7179(1) 7181 7197	3/1167 1163		1,361	...	1,559	...
144	7194 to 96	1, 2, 3/1164		5	...		
145	7173-78	1, 2, 3, 4, 5, 6, 1168		*265	...		

(*Schedule D.*)

SCHEDULE D—*concluded.*

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MÁTUNGA—*concld.*	Sq. yds.	Sq. yds.	Rs.	Rs.
			Ward F—concld.				
146	7128	6/810		1,113	...	389	...
147	7147, 7849	11/813, 8/811 and others.		895	...	313	...
148	7826-37	3-4/810		2,135	...	747	...
149	7924	10/811		451	...	158	...
150	794	6/812	New Dádar-Mátunga Road.	562	...	197	...
151	7398, 7329	1/1127, 1/1129		6,829	...	5,122	...
	7330, 7331	2/1129, 3/1129					
	7732	4/1129					
F	.....	.....	Dádar Road ...	8,185	...	7,876	...
G	.....	.....	Mátunga ...	13,185	...	9,770	...
H	.....	.....	Lady Jamsetji Road ...	7,387	...	14,060	...
			Total Lands at Mátunga ...	...	298,376	...	3,49,348
			GRAND TOTAL ...	...	743,018	...	18,40,559

The amounts shown in this schedule are subject to deduction in respect of the plots marked with an asterisk, portions of which have been appropriated to roads as shown on the Deposited Plans.

SCHEDULE E.

(*See section 61.*)

SHOWING THE LIMITS WITHIN WHICH THE RIGHT TO RECLAIM THE BED OF THE SEA VESTS IN THE BOARD.

Colabá.—The foreshore below high water mark extending southwards from a point opposite the foot of the south approach to the Wodehouse Bridge along the west side of Colába to the extreme limit of Colába Point.

Wálkeshwar and Mahálaxmi.—The western foreshore of the Island below high water mark extending from Worli Fort to Malabar Point.

SCHEDULE F.

(*See section 74.*)

SHOWING LANDS INCLUDED IN SCHEDULE C LEASED BY GOVERNMENT BETWEEN 1ST SEPTEMBER, 1897, AND THE DATE WHICH SHALL BE NOTIFIED UNDER SECTION 10

Locality.	Description of Plot.	Area.	Terms of Lease.
		Sq. yds.	
The Hornby Road Plot.	Bounded on the *North* by the John Connon High School: on the *South* and *East* by the Connon Road; and on the *West* by the Esplanade Road.	3,268·33	Ninety-nine years, at a ground-rent of one anna per square yard per annum, renewable for a further term of 99 years.

And such other lands as may be leased prior to the date notified under section 10.